

HOW CAN INTEREST BE AROUSED IN THE STUDY OF THE HISTORY OF NORTH CAROLINA?*

Those of you who at dawn have rocked on the restless deep know that when the great sun lifts himself upon the horizon a breeze always springs up and with the new light a new breath from heaven walks upon the face of the waters. So in North Carolina as the doors swing wide open to the coming Twentieth Century, we feel that a new spirit is moving upon the face of the land. A new epoch is at hand. Universal education must soon come and with it will come the untold development of our resources and of the energies of our people. We feel that farther west than the fabled island of Atlantis, this land of North Carolina is rising into the sunlight of a grander and a more perfect day.

To no other agency is so much credit due for this great movement as to this Association. Though I believe this is only the eighteenth annual meeting of your body, you have in these seventeen years completely revolutionized public sentiment in this State upon the subject of public schools. The beautiful words of Barry Yelverton, Lord Avonmore, on another subject, can with justice be applied to you in connection with the public school system of this State: "You found it a skeleton and you have clothed it with life, color and complexion; you have embraced the cold statue and at your touch it has grown into youth, beauty and vigor." Instead of being barely tolerated, our public schools are now deemed of the first necessity and no public man and no respectable section of society dare oppose them. They are becoming our pride and the only real question is so to readjust taxation that a sum adequate to their just and proper support shall be laid upon those best able to bear it.

*Address by Judge Walter Clark, President of N. C. Literary and Historical Society, before the Teachers' Assembly, Wrightsville, N. C., 12 June, 1901.

You are to be congratulated upon the \$200,000 appropriated from the general fund, which is due to your efforts. Though inadequate, it is an installment upon the pledges made for the education of the children. It is also significant of the growth in public sentiment that every election this spring upon the subject of graded schools has been favorable and indeed in some places unanimous.

The North Carolina Literary and Historical Association, though organized only last fall, has been, I am proud to say, as I have the honor to be its president, of some assistance to you in this great work. It was in one of our meetings that the plan of public school libraries was formulated. The draft of the bill as originally suggested by Professor Grimsley was with some amendments adopted by the General Assembly, having been ably and eloquently championed by Senator H. S. Ward and other progressive and public spirited members.

Though now limited to six school districts in each county with a library of \$30 each, this is a good beginning. It will not be long before the library will be extended to every school district in the State, and the appropriation for each library will be increased.

The subject you have assigned me, "How to Encourage the Study of the History of North Carolina," struck me with surprise. It is related of the great Hannibal that a certain philosopher undertook to point out to him the defects in his system of strategy, with possibly some criticism of his lingering so long around Capua. The old warrior listened with such interest that some one ventured to ask him afterwards what he thought of the philosopher. "Why," he said, "he had such cheek I was bound to listen to see what he would say next." I do not understand why I have been selected to talk of war in the presence of so many Hannibals—if some one present who is skilled in the Punic tongue will tell me

the feminine for Hannibal—I will add in the presence of so many Hannibals and lady Hannibals. I can only account for it upon the popular superstition, which is entirely unfounded, that a lawyer's cheek is equal to anything. It is so hard for a superstition to die out!

The first requisite for the encouragement of the study of history is a sufficient school term and suitable school houses in which it may be taught. First "catch your rabbit" precedes all directions as to how to cook him. With the present school term of little over three months there is not much time for more than the "three R's." All declamation and oratory in favor of longer terms, and all pledges of "education for all the children," are worse than idle unless there is sufficient revenue for the support of the schools.

Your Association has created and directed the public sentiment which is now almost unanimously in favor of an efficient system of public schools. What is needed now is the financial ability which shall draft and enact a modern up-to-date system of taxation which shall raise the necessary funds by the readjustment of the burdens in accordance with modern conditions. It is idle to talk about a nine months' term with the appropriations now available. More money must be had, and a great deal more. It can not be raised by increasing the tax upon land and merchandise, the crude mediæval system which is still so largely in vogue among us. The farmer's business is not prosperous. You can not add to his burdens. Nor can the merchant, who now pays not only a double tax but a threefold or fourfold tax, bear a heavier burden. In the classic language of the day, "the proposition is up to you."

Your able secretary, who for four years has been the efficient superintendent of public schools, has in two reports called the attention of the Legislature to a new source of revenue, hitherto untouched, which he thought could most easily

contribute to the support of the public schools. The railroads of this State collect as North Carolina's proportion of their earnings annually over \$16,000,000 of which more than \$6,000,000 is net profit. Not one dollar of this immense revenue pays one cent of tribute to God nor Cæsar. As they are owned almost entirely by nonresidents, these great net revenues are carried out of the State, never to return, and thus to our permanent impoverishment.

Not in a spirit of hostility to them but in justice to all other taxpayers, Mr. Mebane has called attention to the fact that many other States were raising a large share of their revenue from a tax on the gross earnings of corporations. Illinois lays a tax of eight per cent upon the gross earnings of the Illinois Central, and Governor Odell, of New York, has recommended that all the revenues of that State should be derived from that source alone, leaving the tax upon real and personal property for county purposes. It has been suggested that a tax of five per cent levied upon the \$16,000,000 of railroad earnings in this State would raise \$800,000 from that source alone which should be a sacred fund devoted solely to school purposes. The tax on the earnings of other great corporations would raise this additional revenue for school purposes to more than \$1,000,000 annually. It would not be seriously felt by the subjects of it, for while a tax of five per cent on the \$16,000,000 of gross earnings is \$800,000 yet as the net earnings of the railroads in North Carolina are over \$6,000,000 there would still be left them \$5,200,000 net revenue, which is thirteen per cent. net interest upon the \$40,000,000 on which they are assessed as the fair value of all their real and personal property in this State. It would seem that they can well afford to pay \$800,000 tax on gross earnings when after such payment there will still be left them thirteen per cent net earnings upon the actual value of their property. Every dollar of this sum

will be needed before you can have an adequate school fund. As Mr. Mebane said, where else can you get it from parties who can so easily and justly pay it? If there is any better source let us find it. The schools must be supported by taxation.

In making this recommendation Mr. Mebane was but following the examples set us by so many other States. Think what \$1,000,000 added to your school fund annually in North Carolina can do! What a real impetus it would give to the cause of education!

Mr. Mebane's recommendation was eminently just, even if it had required a constitutional amendment, but as long as the franchise of the railroads was practically untaxed his recommendation was not open to the objection that "no income can be taxed when the property from which the income is derived is taxed." Another provision to which lobbyists favoring the exemption of the most profitable business in the State did not call attention is in the same clause of the Constitution and requires "*all* real and personal property to be taxed according to its true value in money." This did not, however, escape the General Assembly of 1901, which has now provided (Ch. 7, Secs. 50 and 43) that the intangible property, the franchise, shall be assessed by taking the *aggregate* of the *market value* of the bonds and stocks of any railroad as its true value (which is necessarily so) and that deducting therefrom the valuation of its assessed tangible property, the *difference is the value of the franchise*. This is as simple and unanswerable as a proposition in Euclid, and is the method recognized by courts, financiers and "the public" (as the statute says). As the market value of the bonds and stocks of the portion of the railroads lying in this State is known to be considerably over \$150,000,000 and the assessment of their other property to this time is only \$42,000,000, it follows that over \$108,000,000 is now added

from this hitherto untaxed source, which, on the *ad valorem* basis, provided in the same statute, will add \$720,000 annual revenue. The act provides that it shall be *in force from its ratification*. If the operation of the act had been postponed, it would have been an exemption of this vast value from taxation which the Legislature could not grant.

The same statute applies to other corporations and thus the franchise tax will appropriate \$800,000, the very sum which Mr. Mebane proposed to raise by his tax on gross earnings, but which is now to be raised in a method which is beyond constitutional objection. The requirements of this law are too plain to be misunderstood and we can not presume that there will be any failure to execute it.

Now, it is for you to procure the General Assembly to appropriate this tax on franchises (in lieu of the proposed tax on gross earnings) to the public schools. The watchfulness of those interested in public education will thus be a check upon the influences which by every device and subtlety will endeavor to repeal or evade this tax.

Declamation is cheap. Words butter no parsnips. If this people is to become an educated people it must be done by levying an adequate tax which shall raise a school fund sufficient for the purpose. Your assembly having started the public sentiment which is now so overwhelmingly in favor of public schools, you must now find the means—you must indicate the source from which can be most justly and easily raised by taxation a sum sufficient to educate all the children of this State. If you mean to build up a really efficient school system and not merely declaim about it; if, in short, you mean business, you can not rest till an all powerful public sentiment shall be aroused which shall send to Raleigh a Legislature to vote the money, without which an adequate school system is impossible.

The suggestion that the already underpaid public school teachers shall each contribute two months', or one month's, additional instruction without charge is unjust and unprecedented. They have no greater interest than others in public instruction and have already done far more for it by working at inadequate wages. Suppose the suggestion were made equitable and democratic, that all others should contribute two months' work to the schools, that farmers, merchants, doctors, preachers, lawyers, office-holders and great corporations should contribute each their earnings for two months' work! If the teachers are to be called on let all others contribute in the same proportion.

Instruction in history can of course be had in the University, in Trinity College, Wake Forest, Davidson, Elon, Whitsett, Oak Ridge, Guilford College, and many another whose equipment would do honor to larger and wealthier States. The shortage is not there, but with those less fortunate whose opportunities in life are to be found in the public schools alone.

You must first catch your rabbit—you must first get sufficient school terms and school houses and school teachers whereby something more than the "three R's" can be taught—then we reach the secondary stage—how to encourage the study of the history of North Carolina.

The first consideration when you have the schools and the leisure to teach history is, you must make it interesting to the pupils. Articles, brief and striking, should be written upon the most salient points of our history—cameos of history, so to speak. Something in that line has been done by Mr. Creecy and Mr. W. C. Allen and some others. Such gems well set will attract the boy or girl when grave compilations like those of Dr. Hawks, Colonel Wheeler and others will repel.

Then, if possible, the eye should be appealed to by paint-

ings and engravings. In every Massachusetts school book, in every Massachusetts library and public building, you will find engravings of the notable events in her history and of the great men who have led her people on all great occasions.

There you will find placed before the eye of childhood the representation of the landing from the Mayflower upon that rock bound coast in the depth of winter, the flight of the British from Lexington, the death of Warren, the scenes in her Indian wars, the pictures of Adams, of Hancock, and Webster. What Massachusetts child ever forgets the native land which produced such men or the spots where such events occurred?

They have the landing of the Pilgrims in 1520. What North Carolina school room or public building impresses upon the mind of childhood that other scene thirty-six years earlier, when the first English settlement on this continent was made upon our own shores at Roanoke Island? Not amid the snows on a barren coast, as at Plymouth Rock, but in the middle of a semi-tropical summer, with the great cypresses, hung with moss, as sentinels of the historic scene, and the odors of Araby the blest wafted to the sea-worn wanderers from the shores of this new land of hope and of plenty.

In Massachusetts' books every striking scene in King Philip's war and in the Pequot war is not only recorded by the pens of facile writers, but the painter's brush and the engraver's tool have faithfully preserved the features of each locality and imagination has restored the features, the arms and the dress of the actors in each stirring scene.

What pen or pencil or engraving or brush brings to the plastic mind of our children the scenes of our own Indian wars? There is that expedition by Governor Lane up the Roanoke in search of the gold supposed to lie at its source.

Between Hamilton and Williamston he was suddenly assailed by flights of arrows and driven back. Had that happened on the headwaters of the Connecticut what vivid reproductions we should have both by pen and engraving. From above Hamilton to the mouth of the river the aspect of the Roanoke flowing through an almost unbroken forest is nearly the same today as it was on the day of the defeat of that hardy expedition. The writer or painter who wishes to portray that scene has today but to visit some stretches of the lordly river as it flows amid eternal silence and through unbroken forests to its mouth. He has but to draw true to nature. There are the great trees, and the same solemn silence unbroken save by the rippling of the river, the deer on the banks, the startled water fowl, the wild flowers, the same riotous magnificence of primeval nature. Let him evoke from history and imagination the picture of the great canoes filled with Englishmen slowly toiling up the stream, their habits as they wore, their arms, their standards, the savages half concealed on shore, the sudden flight of arrows. This and more, faithfully written or sketched on the spot and reproduced by printing press and the engraving stone, would give the children of North Carolina an interest in that event in the history of their State and a conception of the conditions then existing here which they have never had.

Then there are the terrible scenes of massacre of our own great Indian war of 1711, the march of the South Carolina troops hundreds of miles through the trackless forest to our aid and the storm and sack of the Indian fort at Nahucke in 1713, which finally broke the Indian power. Could our children ever forget such scenes or fail to feel an interest in them if presented to their minds by a graphic pen or appropriate engraving?

In Northern school books, so largely used among us, are stirring narratives of the expedition to Louisburg and to

Canada, but where is the book which contains a reference, much less a picturesque description or engraving, of the earlier expedition of 1740 to South America, or the capture of Havana in 1762, in both of which North Carolina had a share?

Massachusetts books and Massachusetts school rooms bear many an engraving of the stirring times when Patriots, disguised as Indians, threw the tea into Boston harbor in 1773. But where are the engravers or the writers who have impressed upon the minds of our children that scene when the brave men under Waddell and Ashe, unmasked and bravely in broad daylight in a few miles of this spot, in 1765, eight years before the Boston tea party, forbade Great Britain to put her stamp act into execution in this Province or even to land her stamps?

In painting and in bronze Massachusetts has preserved the memory of the Attucks riot in Boston on the eve of the Revolution. On Boston Common the great memorial stands. But where is our statuary, or our painting, or our engraving of the battle of Alamance in 1771?

They have Paul Revere's midnight ride to fame. Why leave unsung that other ride from Charlotte to Philadelphia?

Where, indeed is our painting of that grand scene for which Massachusetts has no parallel—the meeting which issued the immortal declaration of independence at Mecklenburg on the 20th of May, 1775?

They have immortalized by pen and pencil the defeat of the Americans at Bunker Hill. Where and how have we placed before admiring eyes the first victory for the American arms, which was achieved at Moore's Creek in February, 1776, that striking scene when the planks of the bridge being taken up, brave men crossed on the stringers amid the fires of battle, as the Moslems tell us souls pass to paradise over Al Sirat's arch, spanning by a single hair the flames of hell?

Pencil and brush and pen love to linger on the grand scene when, on the 4th of July, 1776, the thirteen colonies declared that they ought to be and were sovereign and independent. But has anyone ever seen a similar picture of that meeting of the Provincial Congress at Halifax on the 12th of April, 1776, when the first resolution was passed by any State instructing that other Congress at Philadelphia to do what was done nearly three months later? Had we impressed that by story, by statue or by stipple plate upon the minds of our own people would a scholar like Senator Lodge have forgotten it or ignored it in his study of those times?

Brave men lived before Agamemnon, and brave men and great men have lived, at least they did live in those times, south of the Virginia line, but what have we done to perpetuate their memories? In nearly every home in Massachusetts hangs a portrait of John Hancock, or one of the Adams; where is our Cornelius Harnett or Richard Caswell? They have Warren, dying in defeat at Bunker Hill. Where is our engraving of Nash, falling on the field of Germantown?

Like a silhouette the heroic figure of Hardy Murfree, leading his forlorn hope of North Carolinians to the capture of Stony Point on the Hudson, stands out against the sky line of all history. But who has preserved the names of those brave followers; what engraving presents their immortal action to our children; what graphic pen has made this scene a living one to our people? What North Carolinian can claim that he is descended from those stormy petrels of victory, who piloted Anthony Wayne to eternal fame on the summit of that ridge?

What has been said or sung or engraved as to the North Carolina line, steady as the Old Guard of Napoleon itself, at Germantown, at Monmouth, at Eutaw Springs, and on many other fields?

What school room in North Carolina has an engraving of that event, unprecedented in history, when the volunteers of a day, springing, like the clansmen of Roderick Dhu, from our mountain sides, self-organized, without muster rolls, without impulse other than the defense of their little homes, moved down like an avalanche upon the foe led by one of the enemy's best officers and bursting over the fiery crest of King's Mountain broke forever Cornwallis' hopes of success?

And at a later date, where are our engravings of other patriotic sons of North Carolina who would have been an honor to any people?

It was Themistocles who declared that the trophies of Miltiades would not allow him to sleep. The Israelites, when they had passed over Jordan built twelve pillars that their children's children might ask, "What mean these stones?" that posterity being told the story of Israel's greatness in war and the unity of the twelve tribes might bear it in remembrance for all ages. Where are our trophies, the proud memorials of the great deeds of our ancestors, whose aspect shall stir the hearts of aspiring youth to emulate them and to repeat our Marathons on future fields? The tall shaft on Bunker Hill still rises to greet the sun in his coming, and on its summit the genius of Webster's grand oration will linger as a halo forevermore. On every heroic spot in all that land shaft, or sculpture, or inscribed tablet, records that there man has died for man. But what of us?

Of recent years, we have made a small beginning. A crumbling monument to Governor Caswell, blasted by fire, stands in the streets of Kinston; a monument in the Capitol square, facing the setting sun, recalls the already fading tradition of the 125,000 soldiers who belted North Carolina like a living wall in the grand days of 1861-'5; a bronze statue of our great tribune of the people stands on the same

square, appropriately facing the East, for, ever hopeful of the progress and prosperity of the people he loved so well and served so faithfully, he ever stood praying and hoping for the dawn of a brighter day.

You are arousing this people as they have never been aroused before to the needs of education. You propose to educate them to the last boy and girl.

You propose to give them the increased capacity for learning, for enjoyment, for usefulness, which comes from education. But what then? Shall you lay before them histories wherein Massachusetts, with some aid from one or two great Virginians, conquered the British lion—books which represent no North Carolina historical event, and the features of no great North Carolinian, in which our revolutionary history is a desert, with, perhaps a mild reference to the militia at Guilford Court House, and in which our ante-revolutionary stone is a mere table of names? Can you excite an interest in the study of North Carolina's history by such books as those? Can you inspire any young Themistocles to emulate the deeds of Miltiades when the story of those deeds is left untold?

I will not touch upon the ground of the misrepresentations of the events of 1861-'5. Public attention has been drawn to that and probably a true story of those eventful years will be laid before our children. But will it be interesting? Shall you give them the bare facts and a barren list of names? Where can better subjects be found for painter, for sculptor, for graphic writing?

Take among so many a single incident. At New Bern the battle* had gone sore against us. Four hundred soldiers are cut off, with a pursuing enemy in the rear and an unfordable stream in front, the men in despair throwing their arms into the water to prevent the enemy from getting them. A single canoe is found carrying only eighteen men, there

* 14 Mar., 1862.

is danger of its being swamped in the mad rush, two young officers,* both fresh from college, neither yet 21 years of age, instead of saving themselves and pushing off to safety, take their stand and count off from time to time eighteen men who pass beneath their crossed sabres, till boat load after boat load is ferried across. With immediate peril of Yankee bullets and Yankee prison, they resolutely keep their guard till every man is over and those two, the last to enter, float across to friends and to freedom. What a picture for a painter, for poet, for instructor! How it would have been emblazoned if told in Roman story by Livy, or by Macaulay to match his stirring lines which tell

"How well Horatius did keep the bridge
In the brave days of old."

But what audience in North Carolina this day can name these two beardless boys who came of the race of heroes?

And this incident is but one of hundreds showing that this people of North Carolina is one which produces heroes and men fit to command. If we do not sufficiently honor them it is possibly because such deeds are not rare among us.

What pen or pencil can portray to the life the heroism of the men whom Tyler Bennett, Frank Parker and George B. Anderson were proud to stand beside in that "Bloody Lane" at Sharpsburg; of the men under Pettigrew, Lowrance and Lane, who fell farthest in the front of the Southern line at Gettysburg; the men, many of them fresh from the plow and without a thought of heroism or fame, who, like an averaging flame, swept down the broken lines at the Salient, retaking and holding it against fearful odds; and of those North Carolinians in the Seven Days' Fight Around Richmond who left more than twice as many of their dead and wounded upon the field as Virginia herself or any other Southern State; the heroism of those brave men, from our

*W. A. Graham and H. K. Burgwyn, at that time respectively, Capt. Co. K, 2 N. C. Cavalry, and Lieut.-Col. 26 N. C. Reg't.

mountains to the sea, who, with no other motive than their duty, were first at Bethel and last at Appomattox, and who at all times during those four long eventful years proved themselves the peers of any troops that came against them or that fought by their side?

If you wish to encourage the study of the history of our State, can you do better than to tell the deeds of such men, plainly and simply, as befits the men who did them? Can the story be more needed; can the teaching come better than in these days, when worship of the dollar is growing and when youths are taught that the greatest among men is not he who sheds his life's blood for his fellow men at the call of his country and duty, but rather he who gathers, by whatever device, the greatest quantity of the product of the labor of others into his own keeping?

"Ill fares the land to hastening ills a prey
Where wealth accumulates and men decay."

The State has a great history. Its people have shown themselves equal to every call upon them and equal to every occasion. But that history has not yet been presented as it should be. To excite interest in its study we must make it interesting. Tell it as it happened, its grand deeds, its heroic sufferings, its unvaunting performance of duty in the face of every danger, its uncomplaining endurance of every hardship. Paint its striking historical incidents by brush as well as by pen; engrave them, hang them on the walls of your school rooms, your libraries and your public buildings, put them in your school books. Painter and historian have recorded for the admiration of future ages that Sir Philip Sidney, when wounded at Zutphen, refused a cup of water for which he was perishing till a wounded private soldier who needed it more than he could be supplied. But that incident, and even greater self-denial, can be related of many

an unlettered North Carolina soldier who had never heard of Sir Philip or of Zutphen, but in whose veins ran the blood of heroes and whose courage is an inheritance from centuries of brave ancestors of the purest Anglo-Saxon stock on the continent.

To sum up, ladies and gentlemen, North Carolina has a history that is worth the telling and which, when truly told, will interest. It is a brave story of a people who from the first founding of the colony would brook no tyranny and who intended from the first that no one should govern them but themselves; the story of a brave, self-relying, liberty loving people.

Then tell the story in an interesting manner. Let the pens of your best writers record it in their most entertaining manner, but plainly and simply as accords with the character of our people, whose unpretentious nature is summed up in their proud motto: "*Esse Quam Videri*," for in very truth no people can better say in the words of the great Dictator to Sir Peter Lely, "Paint me as I am." Like a beautiful woman, their story, when unadorned, is adorned the most.

Then, with an interesting history interestingly told, what more is needed? You need a wider audience. Educate the masses. Create in them an intelligent interest in their surroundings and in their history. Make it attractive by short stories attractively told. Appeal to the eye by paintings and engravings. Let the State add, when it can, sculpture and statuary.

This Rome, Greece, England, France have done. This the States north of us have done, preëminently the great educational State of Massachusetts. The means by which other States and countries have created an interest in their history are the means to which we must resort for the like purpose.

And none of them have a better foundation upon which to build.

In the language of the poet-priest of the South:

"Give me the land that is blessed by the dust,
And bright with the deeds of the down-trodden just.
Yes, give me the land where the battle's red blast
Has flashed to the future the fame of the past;
Yes, give me the land that hath legends and lays
That tell of the memories of long vanished days;
Yes, give me the land that hath story and song!
Enshrine the strife of the right with the wrong!
Yes, glve me the land with a grave in each spot,
And names in the graves that shall not be forgot."

CAREER OF GENERAL JAMES HOGUN, ONE OF NORTH CAROLINA'S REVOLU- TIONARY OFFICERS.

BY CHIEF JUSTICE WALTER CLARK.

North Carolina in the Revolution furnished ten regiments to the regular service—the Continental line. Five of the Colonels of these became general officers, the only Generals North Carolina had in the regular service. They were General Robert Howe, who rose to be Major-General—our sole Major-General—and four Brigadiers—General James Moore, who died early in the war; General Francis Nash, killed at Germantown and buried near the field of battle—a brother of Governor Abner Nash; General Jethro Sumner, and General James Hogun.

The lives and careers of the first three named are well known. For some reason the data as to the last two have been neglected. The Hon. Kemp P. Battle, by diligent search in many quarters, was able to restore to us much information as to General Jethro Sumner, of Warren County, and, indeed, to rehabilitate his memory. As to General James Hogun, of Halifax County, the task was more difficult. Little has been known beyond the fact that he was probably from Halifax County, and that he was a Brigadier-General. The late Colonel William L. Saunders requested the writer to investigate and preserve to posterity whatever could now be rediscovered as to this brave officer.

It may be noted that North Carolina has not named a county, or township, or village, in honor of either of the four generals—Howe, Moore, Sumner, or Hogun. Moore County was named in honor of Judge Alfred Moore, of the United States Supreme Court. General Nash was the only

one of the five thus honored, the county of Nash having been formed in 1777, the year of General Nash's death at Germantown.

General James Hogun was born in Ireland, but the year and place of his birth are unknown. The name is spelt Hogun, though usually in Ireland, where the name is not uncommon, it is written Hogan—with an *a*. He removed to Halifax County, in this State, and to the Scotland Neck section of it. He married, October 3, 1751, Miss Ruth Norfleet, of the well known family of that name. In the Provincial Congress, which met at Halifax, April 4, 1776, and which framed our first State Constitution, James Hogun was one of the delegates for Halifax County. He was appointed Paymaster in the Third Regiment (Sumner's), but on 26 November, 1776, he was elected Colonel of the Seventh North Carolina Regiment, and 6 December of that year an election was ordered to fill the vacancy in Congress caused thereby. Colonel Hogun marched northward with the Seventh and Colonel Armstrong with the Eighth, and both regiments arrived in time to take part in the battles of Brandywine and Germantown. Colonel Sumner was appointed to fill the vacancy caused by the death of General Francis Nash. For the vacancy caused by the promotion of General Howe from Brigadier-General to Major-General, our Legislature recommended Colonel Thomas Clark, of the First Regiment; but General Washington stated that, while not undervaluing Colonel Clark's services, Colonel Hogun by his distinguished gallantry at Germantown, had earned the promotion, and he was therefore elected and commissioned a Brigadier-General 9 January, 1779, and continued to serve with the army at the north. When Charleston was threatened, all of the North Carolina line which had not previously gone south with General Lincoln, under Sumner, was ordered to that point. Owing to losses, the North

Carolina regiments then North were consolidated into four, and General Hogun was placed in command. At the head of his brigade he passed through Halifax and Wilmington in February, 1780, and took part in the memorable defense of Charleston. When General Lincoln surrendered that city on 12 May 1780, though he surrendered five thousand men, only one thousand eight hundred of them were regular troops, and the larger part of these were General Hogun's North Carolina brigade. General Sumner, our other Brigadier, who had commanded that part of the North Carolina line which was at Charleston before General Hogun's arrival, was home on furlough, as were many officers that had lost employment by the consolidation of the depleted companies and regiments. With that exception, North Carolina's entire force was lost to her at this critical time. The surrendered militia were paroled, but the regular troops, headed by General Hogun, were conveyed to Hadrell's Point, in rear of Sullivan's Island, near Charleston. There they underwent the greatest privations of all kinds. They were nearly starved, but even a petition to fish, in order to add to their supply of food, was refused by the British. These troops were also threatened with deportation to the West Indies. General Hogun himself was offered leave to return home on parole. Tempting as was the offer, he felt that his departure would be unjust to his men, whose privations he had promised to share. He also knew that his absence would aid the efforts of the British, who were seeking recruits among these half-starved prisoners. He fell a victim to his sense of duty 4 January, 1781, and fills the unmarked grave of a hero. History affords no more striking incident of devotion to duty, and North Carolina should erect a tablet to his memory, and that of those who perished there with him. Of the one thousand eight hundred regulars who went into captivity on Sullivan's Island with him, only seven hundred survived when they were paroled.

We do not know General Hogun's age, but as he had married in 1751 he was probably beyond middle life. In this short recital is found all that careful research has so far disclosed of a life whose outline proves it worthy of fuller commemoration. Could his last resting place be found, the tablet might well bear the Lacedæmonian inscription, "*Siste viator. Heroa calcas.*"*

General Hogun left only one child, Lemuel Hogun, who married Mary Smith, of Halifax County. To Lemuel Hogun, March 14, 1786, North Carolina issued a grant for twelve thousand acres of land in Davidson County, Tennessee, near Nashville, as "the heir of Brigadier-General Hogun." In October, 1792, the United States paid him five thousand two hundred and fifty dollars, being the seven years' half pay voted by Congress to the heirs of Brigadier-Generals who had died in service. In 1814 Lemuel Hogun died, and is probably buried at the family burial ground. General Hogun resided in Halifax County, North Carolina, about one mile from the present village of Hobgood. In 1818 the widow of Lemuel Hogun, with her children, moved to Tuscumbia, Alabama. Numerous descendants are to be found in that State, and in Tennessee and Mississippi. In the late war General Hogun's papers, which might have furnished materials for history, were seized by the Federal troops and presumably destroyed, though it is barely possible they may be yet preserved in some Northern historical collection. It is known that among these papers was at least one letter from Washington to General Hogun.

These five heroes—Howe, Moore, Nash, Sumner, and Hogun—were, as has been said, the only Generals from this State in the regular service.

We had several Generals who commanded militia, ordered out on three months' tour or on special service, at sundry times, such as General Griffith Rutherford and General Dav-

*"Pause, traveler. A hero's dust sleeps below."

idson, for whom those counties have been named; Generals Butler and Eaton, and others. General Davidson had been a Major in the Continental line, but was a Brigadier-General of militia when killed, 1 October, 1780, at Cowan's Ford. There were others, as Colonel Davie, Major Joseph Graham (who commanded the brigade sent to Jackson's aid against the Creeks in 1812), and several who acquired the rank of General after the Revolution.

The militia figured more prominently in that day than since. The important victories of King's Mountain and Ramsour's Mills were won solely by militia, and Cowpens and Moore's Creek by their aid. Rutherford and Gregory commanded militia brigades at Camden, as Butler and Eaton did at Guilford Court House, and as General John Ashe did at Brier Creek.

It may be of interest to name here the Colonels of the ten North Carolina regiments of the Continental line:

First Regiment, James Moore. On his promotion to Brigadier-General, Francis Nash. After his promotion, Thomas Clark. Alfred Moore, afterwards Judge of the United States Supreme Court, was one of the Captains.

Second Regiment, Robert Howe. After his promotion to Major-General, Alexander Martin. He being elected Governor, John Patton became Colonel. In this regiment Hardy Murfree, from whom Murfreesboro, in North Carolina and Tennessee, are named, rose from Captain to Lieutenant-Colonel; and Benjamin Williams, afterwards Governor, was one of the Captains. David Vance, grandfather of Governor Vance, was a Lieutenant.

Third Regiment, Jethro Sumner. After his promotion it was consolidated with the First Regiment. In this regiment Hal Dixon was Lieutenant-Colonel and Pinketham Eaton was Major, both distinguished soldiers; and William Blount, afterwards United States Senator, was Paymaster.

Fourth Regiment, Thomas Polk. General William Davidson, killed at Cowan's Ford, was Major of this regiment, and William Williams, afterwards prominent, was Adjutant.

Fifth Regiment, Edward Buncombe, who died of wounds received at Germantown, and for whom Buncombe County is named.

Sixth Regiment, Alexander Lillington, afterwards Gideon Lamb. John Baptista Ashe, of Halifax, who was elected Governor in 1802 but died before qualifying, was Lieutenant-Colonel of this regiment.

Seventh Regiment, James Hogun. After his promotion, Robert Mebane. In this regiment, Nathaniel Macon, afterwards Speaker of Congress and United States Senator, and James Turner, afterwards Governor, served together as privates in the same company.

Eighth Regiment, James Armstrong.

Ninth Regiment, John P. Williams. Of this regiment William Polk was Major.

Tenth Regiment, Abraham Shephard.

The State had in the Continental line a battery of artillery commanded by John Kingsbury, and three companies of cavalry, led, respectively, by Samuel Ashe, Martin Phifer, and Cosmo de Medici.

My object in writing has been to give the few details which, after laborious research, I have been able to exhume as to General Hogun, his origin, his services, and his descendants. I trust others may be able to bring to light further information, so that an adequate memoir may be prepared of so distinguished an officer.

A FORGOTTEN LAW

BY CHIEF JUSTICE WALTER CLARK.

PETIT TREASON—DEATH BY BURNING.

Blackstone tells us (4 Com., 75 and 203) that for a servant to kill his master, a woman her husband, or an ecclesiastical person his superior was petit treason, and that this offence was punished more severely than murder, a man being drawn as well as hanged, and a woman being drawn and burnt. It is said that the records of Iredell County show that this barbarous punishment was inflicted upon a woman in that county for the murder of her husband. This law has since been changed in England.

It has doubtless been forgotten by most that the offence of petit treason continued in this State after the adoption of our republican form of government, as to slaves at least, and that the punishment usually inflicted was to be burnt at the stake. "History," said a very wise man, "is philosophy teaching by example." It is well to consider closely the doings of our ancestors. When those acts were wise and just, honest and patriotic they should serve as examples to excite our emulation and shame us against departing therefrom. When the deeds of our forebears are not such as to be cause of pride and imitation, we should rejoice that we live in happier times, in the noonday splendor of greater enlightenment, and measure the progress we have made by our distance from the evil precedent.

Your magazine has been a depository of much curious as well as useful historical data, which but for it would long since have passed beyond proof and beyond recall. I therefore send you a copy of one of the few remaining records of the judicial executions by burning at the stake

which have taken place since the adoption of the Constitution of 1776.

The Act of 1741, which continued in force till 1793, provided that if any negroes or other slaves (and there were other slaves in those days), should conspire to make an insurrection or to murder any one they should suffer death. It was further provided that any slave committing such offence or any other crime or misdemeanor should be tried by two or more Justices of the Peace and by four freeholders (who should also be owners of slaves), "without the solemnity of a jury; and if the offender shall be found guilty they shall pass such judgment upon him, according to their discretion, as the nature of the crime or offence shall require, and on such judgment to award execution." It further provided that this commission should assess the value of any slave executed by them and report to the next Legislature, who should award the owner of such slave the compensation assessed.

The following is a *verbatim* copy of one of the certificates made to the Legislature to procure pay for a slave executed under said act:

STATE OF NO. CAROLINA: Brunswick County. March 5th, 1778.

At a Court held for the tryal of a negro man slave for the murder of Henry Williams, said fellow being the property of Mrs. Sarah Dupree.

Justices of the Peace present.

William Paine
John Bell
Thomas Sessions

Freeholders:

John Stanton
James Ludlow
Needham Gause
Aaron Roberts.

According to law valued said negro James at eighty pounds Proclamation Money.

The Court proceeded on said tryall and the said fellow James confessed himself to be One that had a hand in the murdering of said Henry Williams in concurrence with the evidence of four other mallefactors that were Executed for Being Concerned in said murder on the 18th. day of March 1777.

Ordered that the Sheriff take the said Jimmy from hence to the Place of execution where he shall be *tyed to a stake and Burnt Alive*, Given under our hands this 5th. day of March 1778.

Justice of the Peace:

William Gause

John Bell

Thos. Sessions

Freeholders:

Aaron Roberts

John Stanton

Needham Gause

Jas. X Ludlow

his mark

STATE OF NO. CAROLINA—Brunswick County.

We, the undernamed persons being summoned as Justices of the Peace and freeholders of the County aforesaid to hold a court for the Tryall of a negro man slave named James the property of Mrs. Sarah Dupre for the murder of Mr. Henry Williams of Lockwood Folly do value the said slave James at the sum of Eighty pounds Procklamation Money. Given under our hands this 5th. day of March 1778.

Justices of the Peace

William Gause

John Bell

Thos. Sessions

Freeholders:

Aaron Roberts

John Stanton

Needham Gause

Jas. Ludlow X^{his}
mark

The Journals of the Legislature show that the assessed compensation, "eighty pounds proclamation money," was voted to Mrs. Sarah Dupree, the owner of said slave.

There is a similar record in Granville County, showing that on 21 October, 1773, Robert Harris, Jonathan Kirtrell and Sherwood Harris, Justices; and Thomas Critcher, Christopher Harris, Samuel Walker and William Hunt, freeholders, tried and convicted Sanders, a negro slave of Joseph McDaniel, for the murder of William Bryant, and he was sentenced to be burnt alive on the 23d—two days thereafter.

Doubtless there are records of similar proceeding in other counties, if not destroyed in the lapse of time, but these two will serve as a curious reminder of a by-gone age. After 1793, the slave charged with murder became entitled to a

trial by a jury of freeholders, and one of the most splendid efforts of the late Hon. B. F. Moore was in behalf of a slave tried for murder. His brief in that case and the opinion of the Court, delivered by Judge Gaston, will remain enduring monuments of the claim of both to abiding fame. The opinion and brief will be found reported in *State v. Will*, 18 N. C. 121-172.

While the circumstance I have attempted to rescue from oblivion may not seem to the credit of the men of that day, it is an historical, social and legal fact which will serve to "show the age, its very form and pressure." It is to the credit of the next generation that the statute was repealed by a more humane and just one in 1793, and that the latter act was afterwards illustrated by the learning and impartial justice displayed by Court and counsel in *State v. Will*.

It is true of the generations of men as of individuals that we "rise on stepping-stones of our dead selves to higher things."

